

**Rec'd PCT/PTO** 17 MAY 2005  
CASE RG/G-33025A/LEK

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF  
RESMAN ET AL.

INTERNATIONAL APPLICATION NO: PCT/SI03/00025

FILED: 15 JULY 2003

U.S. APPLICATION NO: 10/521,295

35 USC §371 DATE: Herewith


FOR: STABILIZATION OF THE PROFILE OF RELEASE OF ACTIVE  
SUBSTANCES FROM A FORMULATIONCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450COMMUNICATION LETTER

Ms. Terry Johnson-Vessel:

With regard to the above-referenced patent application, please be aware that the International Application No. was incorrectly listed as PCT/IB03/00025. The correct International Application No. is PCT/SI2003/00025.

Please associate the papers incorrectly listing the International Application No. PCT/IB03/00025 filed on January 14, 2005 with International Application No. PCT/SI03/00025.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7945  
John P. Thallemer  
Attorney for Applicants  
Reg. No. 34,940

Date: May 17, 2005

BEST AVAILABLE COPY

MAY-17-2005 12:09

NOVARTIS INTELLECT PROP

973 781 8064 P.01

John D. Thallemer  
Senior Patent Attorney  
Generics

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover NJ 07936-1080

Tel (862) 778-7945  
Fax (973) 781-8064  
Internet: john.thallemer  
@novartis.com

Fax

Attention Ms. Terry Johnson-Vessel  
U.S. Patent and Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax no. 703-746-6630  
Number of pages 8 including cover page

Date May 17, 2005

Concerning

Dear Ms. Johnson-Vessel:

Enclosed are the documents we discussed which corrected the International Application number. Please give me a call if you require any further information.

Very truly yours,

  
John D. Thallemer

JDT:alg

CONFIDENTIALITY NOTICE

THIS FAX CONTAINS CONFIDENTIAL INFORMATION WHICH MAY BE PRIVILEGED AND IS INTENDED SOLELY FOR THE USE OF THE ABOVE-NAMED RECIPIENT(S). IT MAY BE EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT AN INTENDED RECIPIENT OR PERSON RESPONSIBLE FOR DELIVERY OF THIS FAX TO AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS FAX IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISCLOSURE, COPYING OR OTHER USE OF THIS FAX OR ITS CONTENTS IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AT ONE OF THE PHONE NUMBERS SET FORTH ABOVE AND DESTROY THIS FAX IMMEDIATELY.

**BEST AVAILABLE COPY**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Angela Gehring  
Type or print name

Angela Gehring  
Signature

May 17, 2005  
Date

Form PTO-1390-MOD  
(REV 10-98)

U. S. Department of Commerce Patent and Trademark Office

ATTORNEY'S DOCKET NUMBER  
RG/G-33025A/LEK

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)  
10/521,295

INTERNATIONAL APPLICATION NO.  
PCT/SI03/00025

INTERNATIONAL FILING DATE  
15 July 2003 (15.07.03)

PRIORITY DATE CLAIMED  
17 July 2002 (17.07.02)

TITLE OF INVENTION

STABILIZATION OF THE PROFILE OF RELEASE OF ACTIVE SUBSTANCES FROM A FORMULATION

APPLICANT(S) FOR DO/EO/US

RESMAN ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau. (See Form PCT/IB/308)
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included.

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Communication Letter

**BEST AVAILABLE COPY**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/SI03/00025</b>		ATTORNEY'S DOCKET NUMBER <b>RG/G-33025A</b>	
The following fees are submitted:  21. Basic national fee. .... \$  22. Examination Fee If International preliminary examination report was prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$ All other situations. .... \$  23. Search fee If Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$ If International Search Report was prepared and provided to the Office. ... \$ All other situations. .... \$				CALCULATIONS PTO USE ONLY	
<b>TOTAL OF 21, 22 AND 23 =</b>				\$ 0	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		X \$ 250	\$	
Surcharge of \$130 for furnishing the oath of declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		X \$ 50	\$	
Independent claims	- 3 =		X \$ 200	\$	
			+ \$ 360	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$ 0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 0	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$ 0	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 0	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 0	
				Amount to be: refunded	\$
				charged	\$

a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$0 to cover the above fees. A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to the address associated with Customer No. 001095, which is currently:

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080

*John D. Thaller*  
John D. Thaller  
Attorney for Applicants  
Reg. No. 34,940  
(882) 778-7945

BEST AVAILABLE COPY